

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
The Honorable D. Garrison Hill, Circuit Court Judge

Case No. 2011-CP-23-4259

SAH Industries LLCAppellant.

v.

Rose Heatly Summer, Kyle Ashley Wilson,
Mariannice Katherine Wilson, Carter Lumber of
the South, Inc., R. Douglas Maddox d/b/a
Maddox, LLC, and First Citizens Bank and Trust
Company, Inc.,

of whom Rose Heatly Summer, Kyle Ashley Wilson,
and Mariannice Katherine Wilson. Respondents.

**RESPONDENTS' RETURN TO MOTION TO FILE OUT OF TIME
AND MOTION FOR EXTENSION OF TIME TO SERVE RECORD
ON APPEAL**

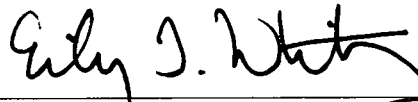
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AUG 05 2013
SC Court of Appeals

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Pursuant to Rule 210(a) of the South Carolina Appellate Court Rules, Appellant was to serve and file proof of service of the Record on Appeal on or before May 5, 2013. Appellant was granted two separate extensions to serve and file proof of service of the Record on Appeal. This Court's last extension gave the Appellant until July 8, 2013 to serve and file proof of service of the Record on Appeal. After not receiving the proof of service by July 8, 2013, this Court dismissed the appeal by Order on July 17, 2013. Previously, this Court dismissed this appeal by Order on December 27, 2012 because of Appellant's failure to provide proof of ordering the transcript and failure to serve and file Appellant's initial brief and designation of matter. These ongoing delays have caused Respondents' residential home and property to continue to be encumbered because of the mechanic's lien the Appellant filed on Respondents' property on March 31, 2011, despite the Respondents being the prevailing party in the Circuit Court. Respondents have been prohibited from refinancing or selling their property for almost two and a half years. Respondents, therefore, object to Appellant's Motion to File Out of Time and Motion for Extension of Time to Serve Record on Appeal. In the alternative, Respondents request this Court order that mechanic's lien be removed from the property, pending this appeal.

Respectfully submitted,



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Attorney for Respondents

Date: August 1, 2013
Greenville, South Carolina

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PROOF OF SERVICE

I hereby certify that on the 1st day of August, 2013, I served the following with a copy
of **Respondents' Return to Motion to File out of Time and Motion for Extension of Time
to Serve Record on Appeal** by depositing a copy of the same in the United States Mail,
postage prepaid and properly addressed as follows:

Townes B. Johnson, III, Esq.
Kenison, Dudley & Crawford, LLC
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SC COURT OF APPEALS



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E. BROWN PARKINSON, JR.
CHRISTOPHER R. ANTLEY

August 1, 2013

EMILY T. WHITNEY

The Honorable Jenny A. Kitchings
Clerk of Court
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

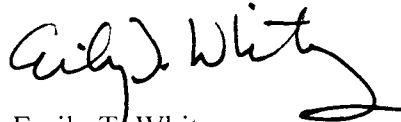
RE: SAH Industries, LLC vs. Kyle and Mariannice K. Wilson, et al.
Appellate Case No. 2012-213117

Dear Ms. Kitchings:

Please find enclosed the original and six copies of Respondents' Return to Motion for Extension of Time to Serve Record on Appeal which I would appreciate you filing with the Court in connection with the above matter. I would also appreciate it if you would return a clocked-in copy of the same to my office in the enclosed envelope.

If you should have any questions, please feel free to contact me.

Very truly yours,



Emily T. Whitney

ETW\st

Enclosures

cc: Townes B. Johnson, III, Esq.

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